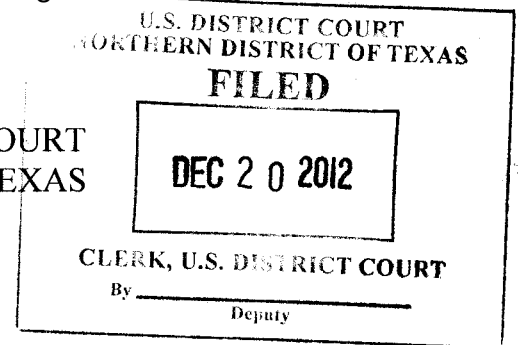


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



UNITED STATES OF AMERICA

§  
§  
§  
§  
§

v.

No. 4:12-MJ- 538

DANIEL OBERLENDER (1)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about August 5, 2012, **Daniel Oberlender** knowingly transported and shipped any visual depiction using any means and facility of interstate and foreign commerce, knowing the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct. Specifically, **Oberlender** used the Internet and Skype computer software to transmit a video file depicting a minor engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, in violation of 18 U.S.C. § 2252(a)(1).

I, further state that I, Kathryn Sherman, am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the FBI since October 2010, and I am currently assigned to the Dallas Division located at One Justice Way, Dallas, Texas 75220. Prior to becoming a Special Agent, I worked with the Department of State in the Computer Investigations and Forensic Division. I have a Bachelors of Science Degree in Finance and a Bachelors of Arts Degree in Criminology. I also have a Masters Degree in High Technology Crime

Investigations. I am currently assigned to investigate computer crimes, to include computer intrusions, and I have also assisted in multiple investigations of the Sexual Exploitation of Children (SEOC) violations of federal law.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

3. I have assisted in the investigation of the activities of DANIEL OBERLENDER, residing at xxxx North Grapevine Mills Boulevard, Apartment xxxx, Grapevine, Texas. As will be shown below, there is probable cause to believe that OBERLENDER knowingly transported and shipped child pornography using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, by using the Internet and Skype software to share a video file depicting a minor engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256, to another Skype software user in Texas.

4. The statements in this Affidavit are based upon the investigation, training, experience, and information provided by other law enforcement officers, which are known by the Affiant to be reliable. The statements in this affidavit are based on the investigation of this matter by the FBI. I have set forth only the facts that I believe are necessary to establish probable cause to support a criminal complaint for DANIEL OBERLENDER, in violation of 18 U.S.C. § 2252(a)(1) and that this offense was committed in the Northern District of Texas.

### **SKYPE**

5. Skype is a proprietary Voice over IP service and software application that is operated by Microsoft Corporation. Skype services allow users to communicate over the Internet with peers by voice using a microphone, by video through the use of a webcam, and by instant messaging. Skype is also popular for its other features such as file transfers and videoconferencing. Additionally, Skype offers screen sharing capabilities on Skype calls. This allows one Skype user to share the contents of his computer screen with the other Skype user during the Skype call.

### **BACKGROUND OF THE INVESTIGATION**

6. On October 25, 2012, the FBI began conducting a child pornography investigation related to DJH after an undercover task force officer downloaded images from DJH's computer. After identifying the IP address associated with the downloads, agents obtained a search warrant and, on November 15, 2012, executed that search warrant at DJH's residence in Dallas, Texas.

7. DJH agreed to speak with agents on November 15, 2012, and related that he had a member profile for the website "Guiltygroups.com." Guiltygroups.com advertises itself as a "free gay adult community featuring images, groups, erotic stories, social networking, personals, dating, chat." During the same interview, DJH confirmed that he met multiple individuals online on Guiltygroups.com that were sexually interested in children. DJH related that there

was no child pornography on the website itself but that people would discuss their sexual interest in child pornography. DJH would then communicate with the people he met on Guiltygroups.com through Skype or Yahoo chat. DJH also provided his Skype user name.

8. A forensic review of DJH's computer showed that on August 5, 2012, DJH visited the Guiltygroups.com website and Skype. A Skype chat message at 21:24 (UTC) on this date was identified between DJH and Skype user "dannyob2009" asking "yeah? cam?" A Skype call log shows on August 5, 2012 at 21:25 (UTC), DJH received or attempted to receive an incoming call from Skype user "dannyob2009." Another Skype incoming call was received by DJH from Skype user "dannyob2009" on this date at 21:31 (UTC), and the Skype call log reflects that the call duration was three minutes and nine seconds. (A time zone converter on the internet was used to confirm that on August 5, 2012, the time of 21:31 (UTC) was 4:31 PM (CDT) for Dallas, Texas).

9. During the forensic review of DJH 's computer, a video file titled "files\dannyob2009 2012-08-05 16-32-38.mp4.mpg" was located in DJH 's Documents folder titled "Evaer." "Evaer" is a program that records screen captures of Skype video and audio recordings. The file title including "...2012-08-05 16-32-38" is part of the time stamp for the recording and shows that the recording was captured starting on August 5, 2012 at 16:32, military time for 4:32 p.m.

10. This video, approximately one minute and fifty seconds, captured the screen recordings of DJH 's Skype call and conversation with Skype user "dannyob2009" on August 5, 2012. A Skype symbol is visible on the screen along with the word "Skype." Also visible is the top of a computer screen with an Apple icon, the words "QuickTime Player 7," "Sun 4:32 PM," and "DANIEL OBERLENDER." This affiant confirmed that the calendar date of August 5, 2012 occurred on a Sunday.

11. Multiple boxes are also visible throughout the recording. One box, which covers more than half of OBERLENDER's computer screen, depicts a movie file, "CameronPreview.wmv." Another box in the top right hand corner has the words "current call," and captures DJH's face as well as his activities; another small box below DJH's face depicts a nude adult male believed by the Affiant to be OBERLENDER. Adjacent to the nude male is a smaller depiction of the video "CameronPreview.wmv." A fourth box visible in the right hand corner of the screen is a Skype chat message box with the words "mmmmmm" visible.

12. Within the Skype screen capture video, the video titled "CameronPreview.wmv" is playing and shows a young, male child, approximately six to ten years old, with red hair, whose eyes are closed. The child appears to be sleeping or unconscious. An adult male's penis and hand is visible on the screen and the adult male's penis is placed on the child's mouth and the penis is rubbed back and forth over the child's mouth. While this child pornography video is playing, the nude adult male is heard to say "lets see your cock man."

13. During the time that the "CameronPreview.wmv" video is running, the screen box shows DJH still seated on his sofa and, at one point, he appears to be typing on a laptop computer. At the same time, the other nude adult male's camera screen adjusts, and the adult male appears to be typing on a computer as a message in the Skype chat box appears that states "lets see your cock." The camera is then adjusted on the adult male to focus on his genital area, and the adult male is seen to be masturbating by placing his hand on his penis and moving his hand up and down.

14. As the video concludes, DJH replies to the request to see his penis with "cant....sorry." The other adult male then replies "k, later" and the video recording ends.

15. Based on DJH's recording, it appears that the computer displaying the child pornography video file was "DANIEL OBERLENDER's." Further, the video was playing through QuickTime Player 7 and, possibly, an Apple Mac computer or a computer utilizing an Apple operating system.

16. On December 6, 2012, a Federal Administrative Subpoena was sent to Skype Communications, belonging to Microsoft Corporation, requesting subscriber information for the Skype account of "dannymb2009." A representative from Skype responded on December 11, 2012, and provided information concerning the Skype account of "dannymb2009," which indicated that on August 4, 2012, the Skype user "dannymb2009" provided a Visa payment with the card

name of "DANIEL OBERLENDER" at the same North Grapevine Mills address associated with OBERLENDER.

17. On December 18, 2012, a search warrant authorized by United States Magistrate Judge Jeffrey L. Cureton was executed at OBERLENDER's residence in Grapevine, Texas.

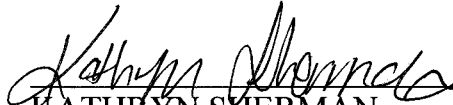
18. During an interview on December 18, 2012, with FBI Special Agent Marya Wilkerson and Task Force Officer Jeff Rich, OBERLENDER admitted to communicating with DJH. OBERLENDER was shown a still shot of the naked man on the Skype call; OBERLENDER identified the naked man as himself and stated "that's me masturbating to a video of a kid." OBERLENDER was also shown a still shot of the child pornography video and OBERLENDER admitted that he was the one who transmitted the video to DJH, which was on his computer on or about August 5, 2012.

### **CONCLUSION**

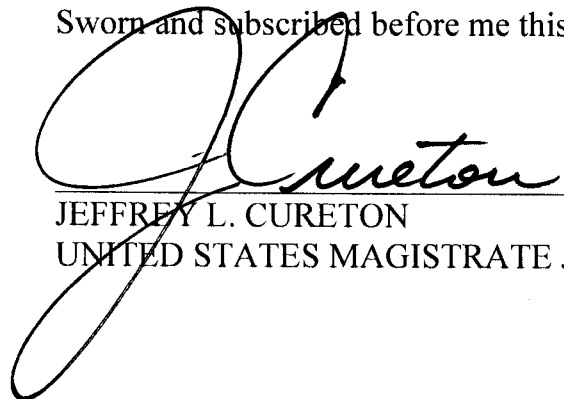
19. Based on all of the aforementioned factual information, your Affiant respectfully submits that there is probable cause to believe that DANIEL OBERLENDER, in violation of 18 U.S.C. § 2252(a)(1), knowingly transported and shipped child pornography using a means and facility of interstate and foreign commerce and, in and affecting interstate and foreign commerce by any means, including by computer, by using the Internet and Skype software to share and transmit a video file depicting a minor engaged in sexually explicit conduct. This

Affiant requests this Court issue a criminal complaint in this matter charging  
DANIEL OBERLENDER with a violation of 18 U.S.C. § 2252(a)(1).

I swear that this information is true to the best of my knowledge and belief.

  
KATHRYN SHERMAN  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 20th day of December, 2012.

  
JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE